

Message Text

LIMITED OFFICIAL USE

PAGE 01 GUATEM 07776 222220Z
ACTION L-03

INFO OCT-01 ISO-00 ARA-10 CA-01 SY-05 SSO-00 /020 W
-----128977 222225Z /73

O 222138Z DEC 77

FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC IMMEDIATE 8530

LIMITED OFFICIAL USE GUATEMALA 7776

FOR L/M LEHNER

E.O. 11652 NA

TAGS: PDIP, CVIS

SUBJ: TESTIMONY OF EMBOFF AT TRIAL

REF: STATE 304066

1. BEFORE MAKING FINAL DECISION ON WHETHER BAILEY SHOULD APPEAR IN MIAMI, HE WISHES FOLLOWING TO BE CONSIDERED:
2. FOR FS-256A (NONIMMIGRANT VISA APPLICATION) SUBMITTED BY ZIMERI WHICH CONTAINED VISA OFFICER'S NOTES AND DECISION HAS NOT BEEN FOUND IN FILES AND HENCE MUST HAVE BEEN DESTROYED IN ACCORDANCE WITH INSTRUCTIONS FROM DEPARTMENT OF STATE.
3. BAILEY ARRIVED IN GUATEMALA IN AUGUST 1977. HE THEREFORE HAS NO FIRST HAND KNOWLEDGE OF LOCAL PROCEDURES IN FORCE AT UNITED STATES EMBASSY IN GUATEMALA AT TIME ZIMERI RECEIVED HIS VISA IN 1974.
4. BAILEY HAS BEEN SUPERVISOR OF VISA OPERATIONS IN COPENHAGEN, GUAYAQUIL, MANILA, AND NOW IN GUATEMALA (WITHOUT INTERRUPTION SINCE AUGUST 1967 EXCEPT FOR HOME LEAVE) AND WOULD THEREFORE BE KNOWLEDGEABLE ABOUT

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VISA LAWS, REGULATIONS, DEPARTMENT GUIDANCE, AND FORMS IN EFFECT AT TIME NONIMMIGRANT VISA ISSUED TO ZIMERI. HE COULD POINT OUT THAT, HAD ZIMERI PROVIDED TRUE ANSWERS TO SEVERAL QUESTIONS ON FORM FS-257A, HE WOULD HAVE EITHER ESTABLISHED THAT HE WAS A BONA FIDE RESIDENT OF GUATEMALA WITH A RESIDENCE HERE THAT HE HAD NO INTENTION OF ABANDONING, OR THAT HE WAS MAINTAINING

A RESIDENCE IN THE UNITED STATES AND WAS RETURNING TO THAT RESIDENCE. IF THE LATTER, BAILEY CAN STATE WITH ASSURANCE THAT THE NON-IMMIGRANT VISA APPLICATION OF ZIMERI WOULD HAVE BEEN REFUSED.

5. BAILEY HAS INDICATED THAT MANY OFFICERS IN THE VISA OFFICE IN DEPARTMENT OF STATE IN WASHINGTON COULD PROVIDE EQUALLY VALID TESTIMONY ALONG LINES PARA TWO ABOVE AND MANY WOULD HAVE EVEN BETTER EXPERTISE THAN BAILEY. HE HAS SUGGESTED U.S. STRIKE FORCE ATTORNEY IN MIAMI CONSIDER REQUESTING APPROPRIATE EXPERT WITNESS FROM DEPARTMENT OF STATE INSTEAD. WITH BAILEY PROVIDING SUPPLEMENTARY DEPOSITION IF REQUIRED. BAILEY HAS INDICATED HOWEVER, THAT HE WOULD BE WILLING TO GO TO MIAMI IF HIS TESTIMONY WOULD BE PARTICULARLY VALUABLE.

6. PLEASE ADVISE SOONEST.
BOSTER

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Message Attributes

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Sent Date: 22-Dec-1977 12:00:00 am
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Disposition Approved on Date:
Disposition Case Number: n/a
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TAGS: PDIP, CVIS
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